

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Rashad Deon Myers

Docket No. 5:08-CR-57-1BO

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Rashad Deon Myers, who, upon an earlier plea of guilty to Possession With Intent to Distribute a Quantity of Cocaine Base (Crack), 21 U.S.C. § 841(a)(1); and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 29, 2008, to the custody of the Bureau of Prisons for a term of 90. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months. On June 27, 2012, pursuant to 18 U.S.C. § 3582(c)(2), the defendant's term of imprisonment was reduced from 90 months to 78 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.
2. The defendant shall provide the probation office with access to any requested financial information.

Rashad Deon Myers was released from custody on September 10, 2013, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

The defendant signed Admission of Drug Use forms indicating that he smoked marijuana on November 5, 2013, and November 10, 2013. The defendant has either tested positive or admitted to new drug use at least three times since starting supervision on September 10, 2013. The defendant is currently in the HOPE Program (Drug/Reentry Court), and as a HOPE sanction for his new drug admission, was given a one-day U.S. Marshal lock-up along with increased substance abuse treatment (Intensive Outpatient Treatment). To further address his poor decisions, the probation office is recommending that he be allowed to participate in electronic monitoring for a period up to 90 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/ Maurice J. Foy
Maurice J. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: November 22, 2013

ORDER OF COURT

Considered and ordered this 22 day of November, 2013, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge